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Essex ss. Land Court June 7, 2018
A true copy of Land Court Document 118072
Certificate 17989 Book — Page —
Registered 6/7/18 at 10 H. 07 M. A M
Attest: M. Paul Lannuccillo
Register of Deeds

Doc:=118,072 06-07-2018 10:07
Ctf#:=17980

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06-07-2018 @ 11:58a
Essex North Registry

DECISION OF THE ANDOVER PLANNING BOARD
AS A SPECIAL PERMIT GRANTING AUTHORITY

ON THE APPLICATION OF
TWIN BIRCH DEVELOPMENT, LLC
MONARCH WOODS

For a Special Permit for Cluster Development under Section 7.1 of the Zoning By-Law.

Decision: SP16-02

YES (with conditions)

A public meeting of the Planning Board was held on December 13, 2016, in the Third floor conference Room of the Town Office Building. Present and voting in the affirmative on the matter were members Joan Duff, Vincent Chiozzi, Austin Simko, Ann Knowles, Zachary Bergeron and Rocky Leavitt.

RECEIVED
TOWN CLERK'S OFFICE
JUN 14 P 1:54
TOWN OF ANDOVER, MASS

Pursuant to public notice in the Andover Townsman, a newspaper of general circulation in the Town of Andover, published on September 8 and September 15, 2016, and notice sent by mail, postage prepaid, to all interested parties pursuant to the provisions of Massachusetts General Laws, Chapter 40A, a public hearing was convened on September 27, 2016 on the application by Twin Birch Development for a Special Permit for Cluster Development associated with a Definitive Subdivision and Special Permit for Earth Movement of a residential subdivision. The hearing was continued and closed on November 9, 2016, with the aforementioned members of the Board present with a certification pursuant to G.L. c. 39 Section 23D received.

Premises affected is property owned by Twin Birch Development LLC and Anne Mattison and Dana C. Scholtz located at 106, 110 and 112 Ballardvale Road and shown on Assessors Map 119 Lots 293, 294 and 295, comprising of 10.32-acres, hereinafter referred to as the "site", on which the subdivision plan entitled "Monarch Woods" would take place. See Exhibit A attached.

Findings of Section 9.4 Special Permits:

Social, economic, or community needs which are served by the proposal.

The proposal will provide a social and community need by creating open space accessible to the public.

Traffic flow and safety, including parking and loading.

The proposal provides for traffic flow with the roadway meeting the regulation for the turning movements and safety with the proper sight distances and the addition of a crosswalk from Monarch Lane to Ballardvale Road.

Adequacy of utilities and public services.

The proposal provides for water, sewer, electrical, cable, hydrants and stormwater which has all been reviewed and approved by the appropriate departments.

Neighborhood Character and social structure.

The neighborhood consists of the abutting street of Anderson Circle, a three lot subdivision ranging from 30,000 sf to an acre plus lots. Across the street is Tilton Lane, an 18 lot subdivision with connected open space. Also within the neighborhood there is the 38 lot cluster subdivision with open space known as Teaberry Lane, Bayberry Lane and Blackberry Lane, the lots have an area of 20,000 or 30,000 sf. Monarch Lane will be in keeping with the character of the neighborhood and social structure of the existing neighborhood.

Impacts on the natural environment, including but not limited to, air and water pollution, noise, stormwater runoff, aesthetics.

The proposal's impacts will be not be unreasonably detrimental due to the creation of a cul-de-sac that will allow for less impervious area to be created and improve the aesthetics of the street. The stormwater runoff has been peer reviewed and meets the standards set forth by the Massachusetts Department of Environmental Protection Stormwater Management Standards, the Town's Subdivision Regulations, Andover Stormwater Management & Erosion Control Bylaw and Regulations, and the Town of Andover Wetlands Protection Bylaw. The creation of a cluster subdivision creates open space that will be accessible by the public and provides for protection of the wetland and its buffer zones.

Findings of Section 7.1 Cluster Development

The arrangement of lots, streets and buildings as they may promote the harmonious integration of the proposed development with existing surrounding properties;

The applicant's proposed lot sizes of 0.68 acres is consistent with lot areas in the surrounding neighborhood.

The proposed development would be on a newly constructed private way ending in a cul-de-sac. There will be no change to the existing residential nature of the neighborhood.

Originality in the overall layout and design to achieve the best possible relationship between the proposed development and the land;

A conventional development of this site would result in more site disturbance than the proposed cluster development.

A conventional development of this site would result in no open space, the three acres of open space will help provide a natural buffer between the proposed subdivision and Cullen Circle and protect the wetlands and its buffer zones.

Usability of open spaces for active or passive recreation, determined by size, shape, topography and location;

The topography of the open space allows it to be usable as passive recreation. A pedestrian easement over the drainage lot will be granted to allow access to the open space area.

Inclusion within open spaces of irreplaceable natural features such as streams, mature trees or clusters of trees, rock outcrops, eskers, bluffs, slopes and historic or archaeological features;

There are wetlands, mature trees and other vegetation that will be preserved and largely undisturbed.

Accessibility of open spaces to the disabled, elderly and children;

Accessibility is being provided for from an easement over the drainage lot. Access by the disabled, elderly and children is available over the lot.

Suitability of open spaces for scenic values and improvement or preservation of views.

The open space will have scenic value and preservation of views on the westerly side of the subdivision.

Findings of Section 6.3 Earth Movement

The subdivision as a whole makes the best feasible design of existing topography

The existing grade at the easterly property line at 3 Anderson Circle is 120 and will remain at 120, and the elevation changes from 120 to 118 about 30 feet in from the property line; stays at 118 for 100 feet. There are no extreme grade changes within the proposed development. The grading of the subdivision property is consistent with other developments in Town.

The applicant has provided 30% of open space as required within a cluster subdivision as opposed to no open space with a definitive subdivision. The open space will provide protection to the wetlands located along the westerly side of the property and will be donated to the Town's Conservation Commission for use by the public.

The applicant has provided a plan showing the limit of clearing which leaves a 20 foot area on Lots 2, 3 and 4 that will not be cleared by the developer. There is already a cleared area shown on Lot 2 and 3 and Lot 1 has already been cleared because of the home and pool which will be demolished.

Based on this information and the review of the subdivision as a whole, the cluster subdivision makes the best feasible design of the existing topography. The applicant has submitted the quantity and composition of materials to be regraded, the estimated number of truck loads, the purpose for which the materials are to be moved and the location in which the earth movement will be conducted. The Board has considered the magnitude of the change in topography, the extent of cuts and fills, the amounts of earth materials involved, the removal of existing vegetation, the preservation of features and the type and size of the plan. Although the development is being constructed in an established neighborhood, any adverse effects to those abutters can be mitigated through the regulating of hours of construction operation.

It has been the past practice of the Planning Board to regulate the hours and days of the earth movement activities. In this instance, staff recommends the Planning Board condition their approval by restricting earth movement activities to the time period between the last morning pick-up of school children, and the first afternoon drop off.

The Board finds that the proposed use will not be unreasonably detrimental or substantially detrimental to the established or future character of the neighborhood or the town, and further that there are adequate public roadways and municipal utilities. In considering a special permit the Board has imposed conditions.

The Board finds that the cluster subdivision as a whole makes the best feasible design of existing topography and complies with the requirements of Section 6.3, the findings of Section 7.1.5, Section 9.4 of the Andover Zoning Bylaw, is in conformance with the Subdivision Control Law, the Rules and Regulations Governing the Subdivision of Land in the Town of Andover, and the recommendations of the Board of Health.

In consideration of all the reviews, presentations, discussions and testimony at the hearings, the Board grants approval of the Special Permit for Cluster Development entitled "Monarch Woods" to be known as Monarch Lane subject to the following conditions:

General Conditions

1. For purposes of this approval the subdivision shall be defined as all features depicted on the plans described under condition number 2; the developer shall be defined as the applicant, Twin Birch Development LLC and its assigns or successors in title to the development, and all contractors and subcontractors under control of or in service to the developer;

2. The construction and grading of the subdivision and all activities associated therewith shall be in conformance and compliance with the information, details, notations, grading and features shown on the following plans, drawings and documents prepared by Marchionda & Associates, L.P.;
 - a. Sheet 1 of 15, Cover Sheet, dated August 30, 2016, revised through November 4, 2016;
 - b. Sheet 2 of 15, Legend and Notes, dated August 30, 2016, revised through November 4, 2016;
 - c. Sheet 3 of 15, Existing Conditions Plan, dated August 30, 2016, revised through November 4, 2016;
 - d. Sheet 4 of 15, Plan of Land, dated August 30, 2016, revised through November 4, 2016;
 - e. Sheet 5 of 15, Grading & Drainage Plan, dated August 30, 2016, revised through November 4, 2016;
 - f. Sheet 6 of 15, Utility, dated August 30, 2016, revised through November 4, 2016;
 - g. Sheet 7 of 15, Plan & Profile, dated August 30, 2016, revised through November 4, 2016;
 - h. Sheet 8 of 15, Erosion and Sediment Control, dated August 30, 2016, revised through November 4, 2016;
 - i. Sheet 9 of 15, Construction Details, dated August 30, 2016, revised through November 4, 2016;
 - j. Sheet 10 of 15, Construction Details, dated August 30, 2016, revised through November 4, 2016;
 - k. Sheet 11 of 15, Construction Details, dated August 30, 2016, revised through November 4, 2016;
 - l. Sheet 12 of 15, Construction Details, dated August 30, 2016, revised through November 4, 2016;
 - m. Sheet 13 of 15, Construction Details, dated August 30, 2016, revised through November 4, 2016;
 - n. Sheet 14 of 15, Construction Details, dated August 30, 2016, revised through November 4, 2016;
 - o. Sheet 15 of 15, Construction Details, dated August 30, 2016, revised through November 4, 2016;
3. Sheet 4 of said plan entitled, Plan of Land, dated August 30, 2016 revised through November 4, 2016, as prepared by Marchionda & Associates, L.P.; and an instrument containing these conditions, shall be recorded at the Northern Essex Registry of Deeds pursuant to the requirements of the Subdivision Rules and Regulations of the Andover Planning Board;
4. Prior to the recording of the definitive plan, the applicant shall provide to the Planning Department a digital file containing the plan if produced using computer aided drafting and design (CADD) software. The file format shall be in AutoCAD DWG (or ASCII DXF) version 2004 or earlier and Adobe PDF, delivered on CD-ROM or DVD-R media

AutoCAD file delivery shall be in full model view and individual sheet views. The digital file shall include property boundaries, dimensions, easements, rights-of-way, edge of pavement, edge of sidewalk, edge of water bodies, wetland boundaries, topographic contours, spot elevations, parking areas, road centerline and associated text. Said digital data shall be delivered in the Massachusetts Coordinate System, North American Datum 1983 and North American Vertical Datum 1988, in U.S. Survey Feet. A review of the digital file shall be made by the Department of Public Works prior to the recording of the definitive plan;

5. This subdivision approval is limited to eight (8) lots as shown on the plan referenced above with the possible addition of the Approval Not Required lot at 106 Ballardvale Road connecting their driveway to Monarch Lane;
6. The owner and applicant shall, pursuant to statute, have twenty (20) days following the approval action of the Andover Planning Board to file an appeal of said action, and in the absence of an appeal shall be deemed to have accepted said action and these conditions;
7. Within five (5) days of the transfer of ownership of this subdivision, in whole or in part, the developer shall notify the Andover Planning Department of the name and address of the new owner(s). The developer shall provide the new owner(s) with a copy of these conditions;
8. No permits for construction of the new dwelling may be issued by the Inspector of Buildings for any lot within this subdivision unless and until the provisions of Section V.E. of the Rules and Regulations of the Board have been satisfied. Once a building permit has been issued for any particular lot this condition will be deemed to have been complied with and considered released for that lot;
9. Any blasting operations shall require proper permits, and may not be undertaken on any weekend or holiday;
10. All grading and earth disturbance within the subdivision shall be governed by Sections VI.F.6., and VI.F.7. of the Rules and Regulations of the Board;
11. Import or export of earth materials from within the subdivision is prohibited except as may be provided for under special permit issued under Planning Board Decision SP16-03, or as otherwise allowed under the applicable provisions of the Zoning Bylaw;
12. All deeds from the owner of the subdivision shall reserve the fee in all streets shown on the plan and such fee shall be retained by the developer until conveyed to the Town;
13. Yard sprinklers or other privately owned underground devices shall not be installed within the roadway or utility easements, nor shall private recreational features be allowed within the roadway. Landscaping within the roadway in the form of grass, flowers, and small shrubbery is permitted at the risk of the lot owner, provided that such landscaping

does not interfere with the use or safety of the roadway. Landscaping within the cul-de-sac island is permitted;

14. Except as herein be waived, the subdivision shall be constructed in accordance with and subject to all applicable provisions of the Rules and Regulations of the Board. The approval and these conditions shall be enforced under the provisions of Section V.H. of the Rules and Regulations of the Board;
15. Prior to the recording of the definitive plan at the Registry of Deeds the developer shall provide the Planning Department with a municipal lien certificate indicating that all taxes, assessments and charges have been paid in full as required by MGL, Chapter 60, Section 23;

Prior to Construction

16. Prior to any construction activity of any kind within the subdivision the developer shall submit for review and approval to the Planning Department a proposed construction sequence schedule, said schedule to be used as a guide to activities within the development including construction of roadways, utilities, drainage systems, stabilization, and stockpiling. This schedule once established shall not be deviated from, but may for good and demonstrated reason, be modified by agreement between the developer and the Planning Department;
17. Construction traffic associated with this subdivision shall be regulated by the Inspector of Buildings. Prior to commencing hauling operations, a hauling route shall have been reviewed and approved by the Inspector of Buildings. Any deviation from the approved route and/or scheduling once established shall require proper notification and approval from the Inspector of Buildings. Construction traffic shall be defined as large trucks hauling earth moving equipment, dump trucks, trucks hauling building materials, cement trucks, and contractors' vehicles larger than panel trucks.
18. Prior to any construction activity of any kind within the subdivision the developer shall submit for review and approval to the Planning Department a detailed schedule of the anticipated earth operations;
19. Prior to introduction of construction equipment onto the site a meeting shall be conducted between the developer, the developer's contractors, and the Planning Department, as well as the Conservation Department, and Department of Public Works for the purpose of reviewing these conditions and the construction sequence schedule;
20. Prior to any construction activities, the documents establishing the Homeowners' Association must be reviewed by Town Counsel, approved by the Planning Board and recorded at the Northern Essex Registry of Deeds. All lots within the subdivision plus the ANR lot of 106 Ballardvale Road if their driveway is connected to Monarch Lane shall be included in the HOA. The account referred in section 25c shall have been

established and funded in a manner prescribed by the town. The Homeowners' Association documentation shall provide for:

- a. Short and Long Term maintenance of the stormwater management facilities as described in the Storm Water Report dated August 30, 2016 last revised October 19, 2016;
 - b. The HOA shall be provided an easement for the 20 foot wide sanitary sewer and the HOA shall be responsible for the maintenance and repair for the portion of the shared force main within the easement area;
 - c. The establishment of an account in the Homeowners' Association Name and in an amount recommended by the Town Engineer and approved by the Planning Board and secured in a manner and form approved by the Board. Following establishment, the developer shall provide the Planning Department with written proof that said account has been established running to the benefit of the Homeowners' Association. The account once established shall be kept for the purpose of maintenance, repair and/or restoration of said items with a minimum balance as recommended by the Town Engineer to be maintained at all times;
 - d. The terms and method of assessments; the method of drawing on such funds; shall restrict any alteration of those facilities; shall indemnify the Town from any responsibility or liability for maintenance and operation of those facilities; and shall further provide that the Town will be reimbursed for any expenses incurred in the event the Town is required to perform any work in or on any of the facilities;
 - e. In the event that any of the facilities are damaged to such an extent that they no longer perform its intended function, and such damage is not repaired by the Homeowners' Association, the Town shall have the right to make such repairs and lien the property owners or use any other remedy available under the law to effect the same;
 - f. The Town shall be provided with an easement to maintain and repair said facilities if necessary but all financial responsibility for any such repairs, inspections and maintenance shall be solely on the Homeowners' Association and all lot owners by virtue of their interest in said association;
21. Once paved, the roadway Monarch Lane shall be kept clear and passable at all times. No equipment shall be parked in such a manner as to render the roadway impassable, and no refuse containers, trailers, or construction materials of any kind shall be placed or stored upon the street;

Throughout Construction

22. Construction equipment or materials shall not be parked, stored, or placed in any area directly adjacent to or upgradient of any drainage channel or wetland area, nor in any cul-de-sac island. Repairs and maintenance to equipment shall be conducted in areas where no spills or leakage of fuels or other fluids could pose a pollution hazard;
23. Earth disturbed by construction activities associated with the roadway or easements, such as tree cutting, stump grubbing, cutting, filling, and regrading, shall be appropriately

stabilized by methods determined by the Planning Department within sixty (60) days of such disturbance unless otherwise approved by the Planning Department;

24. No building lot shall remain in an open condition longer than sixty (60) days. "Open" shall be defined as that period of time between initial preparation of the lot for building (clearing of trees, stripping of topsoil), and the time that the foundation has been installed, backfilled, and the rough grading has been established and stabilized by use of temporary seeding, mulching, or netting. This restriction shall remain in force until the lot has been properly stabilized and shall survive changes in ownership of the lot;
25. Stockpiles of earth materials shall not be permitted in any area, which necessitates removal of trees for such purpose, nor within fifty (50') feet of any wetland boundary, drainage channel, or watercourse. Stockpiles shall be designated on a plan, which shall be submitted to the Planning Department, said locations to be determined by the developer and approved by the Planning Department. Stockpiles shall be prohibited in areas, which have not been approved by the Planning Department;
26. Long term (more than sixty days) stockpiles of earth materials shall be shaped and secured by butted haybales around the perimeter, and shall be promptly stabilized by temporary seeding or netting. Stockpiling must be removed from the site if there has been no activity for two years;
27. Burial or burning of vegetation, stumps, or construction debris is strictly prohibited anywhere within the subdivision. Such materials shall be removed and properly disposed of off the site;
28. All construction activities within the subdivision shall be confined between the hours of 7:00 a.m., and 6:00 p.m., Monday through Friday, unless otherwise approved by the Planning Board. Once fully framed, interior construction related activities are allowed on Saturdays between 8:00 a.m. and 6:00 p.m. unless otherwise restricted or prohibited by the Inspector of Buildings in response to complaints. Construction activities include the transport of equipment, materials and supplies to and from the subdivision;
29. As field conditions warrant, berms of type and design and/or side under drains as specified by the Department of Public Works shall be installed in locations determined by the written decision of the Director of Public Works;
30. Construction activities on individual lots shall be conducted in a workmanlike manner at all times. Blowing dust or debris shall be controlled by the developer of lots through stabilization, wetting down, and proper storage and disposal methods;

Prior to Clearance Certificates

31. Prior to issuance of Clearance Certificates for lot 7 the garage located on the Open Space lot must be demolished, the area shall be stabilized and revegetated;

32. Prior to issuance of Clearance Certificates for lot 7 the gas line site work located on the Open Space must be complete, the area shall be stabilized and revegetated;
33. Prior to issuance of Clearance Certificates the pedestrian access easement over the drainage lot shall be granted to the Town of Andover, the easement shall be reviewed and approved by Town Counsel and recorded the Northern Essex Registry of Deeds;
34. Immediately following the installation of water lines the developer shall prepare a plan pursuant to Sections VII.W.3., and VII.W.4. of the Subdivision Rules and Regulations showing the location of all service connections to the building lots. The developer is responsible for the installation of the water main through the easement located on 104 Ballardvale Road. The installation of the water main through the easement shall be under the supervision of the Deputy Director of Public Work/Highway Superintend of the Department of Municipal Services or his designee to help ensure the protection of trees and their roots during the water main installation. No Clearance Certificate for any lot shall be issued until said plan has been submitted to the Department of Public Works;
35. Prior to the issuance of clearance certificates, the applicant shall submit to the Planning Department digital files of as-built plans of the features listed above, including utilities and approximate building location, following the format described in # 4 above;
36. Prior to the issuance of a Clearance Certificate for any lot, all utilities, including all off-site improvements shall have been fully constructed and approved by the Department of Public Works. Immediately following the installation of said utilities, the developer shall prepare as-built plans pursuant to Section VII.W. of the Rules and Regulations Governing the Subdivision of Land in Andover;
37. Prior to release of any Clearance Certificates for building purposes, a sign depicting "Monarch Lane" shall have been erected at a location determined by the Department of Public Works;
38. Prior to the conveyance of individual lots within the subdivision the developer shall provide the Planning Department with a surveyor's certification that temporary lot corners have been established on the ground for the lot to be conveyed. Once established, maintenance of these temporary corners shall be the responsibility of the lot owner. Upon completion of the street, and prior to the final release of any performance guarantee held, the developer shall provide the Planning Department with a surveyor's certification that all bounds and corners have been set in accordance with Section VII.U. of the Rules and Regulations of the Board;
39. The drainage areas, inlets, outlets and all associated piping shown on the plans shall be fully constructed, stabilized and operational prior to pavement of the streets and development of any house lot;
40. Prior to the issuance of any Clearance Certificates for the site, the developer shall have deposited an amount as determined by the Town Engineer and approved by the Planning

Board equal to the construction cost of the sidewalk as herein waived in accordance with Section VI.D.5;

41. Prior to issuance of a Clearance Certificate of the developer shall receive a Sewer Pump Special Permit for the shared force main;

Specific Conditions

42. Prior to street acceptance or once the garage and gas line site disturbance has been stabilized and revegetated the open space lot shall be conveyed to the Town under the care and control of the Conservation Commission. Said conveyance shall be free of any encumbrances, except for the reservation of any easement shown in said parcel and all taxes shall have been paid through the year of conveyance;

The Board further grants the waivers as they in the public interest and not inconsistent with the intent and purpose of the Subdivision Control Law.

Section III.E.4.a - Original Mylar - The Board grants this waiver as it is in the public interest and not inconsistent with the intent and purpose of the Subdivision Control Law (SCL) by allowing for only one set of mylars to be produced at the time of endorsement.

Section VI.C.4.f - Cul-de-sac island – The Board grants this waiver as it is in the public interest and not inconsistent with the intent and purpose of the Subdivision Control Law (SCL) because it will allow for less impervious area to be created and improve the aesthetics of the street.

Section VI.D.2/VI.D.3/VII.Q – Sidewalks - The Board grants this waiver as it is in the public interest and not inconsistent with the intent and purpose of the Subdivision Control Law (SCL) because the roadway is a length of about 770 feet and the pavement width will be 26 feet, at this site a sidewalk will not be in the public interest but by allowing the waiver a deposit of the cost of construction will be put in the Town's sidewalk fund thereby providing new sidewalk construction or repair to areas in town that will benefit.

Section VII.G.2 – Vitrified Clay sewer mains and service –The Board grants this waiver as it is in the public interest and not inconsistent with the intent and purpose of the Subdivision Control Law (SCL), the Department of Public Works would prefer PVC instead of clay for durability.

Following the statutory twenty-day appeal period, and in the absence of any appeal, the plan and an instrument containing the foregoing restrictions will be filed in the Registry of Deeds. The applicant is responsible for the costs associated with the Registry filings.

On December 13, 2016, at a regularly scheduled public meeting, the Andover Planning Board voted (6-0) to issue the foregoing Special Permit for Cluster Development.

Date: 12/13/16

Joan Duff
Joan Duff, Chair

Essex, ss

COMMONWEALTH OF MASSACHUSETTS

Date: 12/14/16

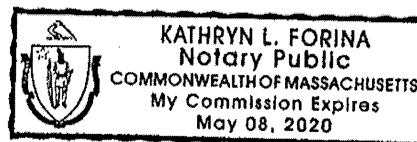
On this 14th day of December, 2016, by Joan Duff, the authorized agent of the Andover Planning Board, proved to me through satisfactory evidence, to be the person whose name is signed on the preceding or attached document, and who swore or affirmed to me that the documents are truthful and accurate to the best of her knowledge and belief and who acknowledged to me that she signed it voluntarily for its stated purpose and acknowledged the foregoing to be the free act and deed of the Andover Planning Board.

Before me,

Kathryn L. Forina

Kathryn L. Forina, Notary Public

My commission Expires May 8, 2020



REGISTERED
 LAND COURT BOSTON. The Land
 herein described will be shown on
 our approved plan to follow as
 REFERRED TO

EXHIBIT A
 LEGAL DESCRIPTION
REGISTERED LAND

MAY 31 2018
 10362-M LOTS 125 THRU 129
 10362-N LOTS 130 THRU 140
 Plan
 (EXAMINED AS DESCRIPTION ONLY)
 STL CHIEF SURVEYOR (JAV)

All those certain parcels of land with the buildings thereon being the land located at and previously known as 106, 110 and 112 Ballardvale Road, Andover, Essex County, Massachusetts, being more particularly depicted as follows:

Parcel 1:

Lots 125 through 129 inclusive as shown on plan of land entitled, "Plan of Land in Andover, Mass" Sheet 1 of 1, Scale: 1"=40', Date: May 14, 2018, being a division plan of land of Lot 122 as shown on LC 10362K and Lot 124 as shown on LC 10362L creating Lots 125 through 140, Record Owners Twin Birch Development, LLC, Former Parcels C1 & C2/Formal Parcel 122 and Dana C. Scholtz & Anne Mattison, Former Lots A & 120/Formal Parcel 124, prepared by Marchionda and Associates, L.P., which plan is filed as Land Court Plan No. 10362M ("Plan 10362M").

Parcel 2:

Lots 130 through 140 inclusive as shown on plan of land entitled, "Plan of Land in Andover, Mass" Sheet 1 of 1, Scale: 1"=40', Date: May 14, 2018, being a division plan of land of Lot 122 as shown on LC 10362K and Lot 124 as shown on LC 10362L creating Lots 125 through 140, record owners Twin Birch Development, LLC, Former Parcels C1 & C2/Formal Parcel 122 and Dana C. Scholtz & Anne Mattison, Former Lots A & 120/Formal Parcel 124, prepared by Marchionda and Associates, L.P., which plan is filed as Land Court Plan No. 10362N ("Plan 10362N").

RECORDED LAND

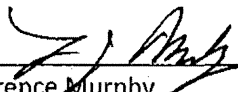
Those certain parcels of land shown as the recorded portions of Lot 6, Lot 7, Lot 8, and the Open Space, all as shown on plan of land entitled, "Plan of Land Monarch Woods in Andover, Mass." Date: August 30, 2016, revised through 8/31/17, Scale: 1"=40' and which plan is recorded with the Essex North District Registry of Deeds as Plan Number 17784 ("Subdivision Plan").

The foregoing premises are a portion of same premises described in deed from David Kindred to Twin Birch Development, LLC filed and recorded herewith and prior hereto.

CERTIFICATE OF TOWN CLERK

I, Lawrence Murphy, Town Clerk of the Town of Andover, Essex County, Massachusetts, do hereby certify that: i) the Decision of the Andover Planning Board on Application of Twin Birch Development, LLC for Approval of a Special Permit for Cluster Development originally was filed in the Town Clerk's office on December 14, 2016; ii) within twenty (20) days thereafter, an appeal was filed by Yichuan Li and Shanshan Wang, Plaintiffs, against the Andover Planning Board *et al.*, Defendants in the Land Court Department of the Trial Court (Docket No. 16 MISC 000765); iii) on February 14, 2018, said appeal in the Land Court was dismissed upon a Stipulation of Dismissal; iv) a certified copy of the dismissal of the Land Court appeal has been filed with this office; and v) no other appeal of the above-referenced Decision of the Andover Planning Board was filed within twenty (20) days from the date the Decision was filed in this office.

Executed this 22d day of FEBRUARY, 2018.



Lawrence Murphy
Town Clerk for the Town of Andover